

1901-02 Chancery Causes: John M. Daugherty vs. Dora Daugherty
Lee Co.

Thorp, Price, Collins, Burton, Ball

CA-Divorce
T-Vices
Migration

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee
County, Virginia:

Humbly Complaining your Complainant, John M. Daugherty, would respectfully represent and show unto your honor that on the ___ day of ___ 19___ he was married to one Dora Thorp; that they lived together as husband and wife only a short time, when his said wife took up with another man, and went with him to the State of Kentucky, and lived with him there in adultery, but she afterward returned to this County and State. Your Complaint ^{an} therefore charges that his said wife has been guilty of repeated acts of adultery, not only with the man, whom she lived with awhile in adultery, but with divers other persons.

Your Complainant alleges that he is now a citizen of Lee County Va, and has been for more than one year before the institution of this suit; that he has not lived with, nor co-habited with his said wife since knowledge of her acts of adultery; that said acts of adultery were committed without his procurement or connivance; and that they were committed within the last five years.

The prayer of your complainant is, that the said Dora Daugherty be made a party defendant to this bill, and answer the same but not on oath that being waived; that on a hearing of this cause your Complainant be granted a divorce Vinculo Matrimonii and that the ~~heretofore contracted and now existing~~ bonds of matrimony be absolutely dissolved, and your complainant prays for all other relief generally, that the nature of his case requires or to equity seem meet, and he will ever pray &c.

M. S. L. P. Q.

Costs:

clerk \$3.30

shff. 1.60

atty 15.00

comm.

wite,

Tax 1.50

1894
John M. Daugherty

vs. Bill in chancery

Dora Daugherty

Filed 1st May Rules, 1906.
H. C. T. Curing, clk.

1906 1st May Rules

Bill filed, Spa.
is sent

2nd May Rules

Cause set for hearing

Deere final

May Term 1906.

1900 to 10

John M. Daugherty Plff.
against ~~the~~ In Chancery
Dora Daugherty Defs.

This cause came on this day to be heard upon the bill of complainant and depositions filed thereof, and was argued by counsel.

On consideration of which, the court is of opinion that that plaintiff has proved the allegations of his bill, it is therefore adjudged ordered and decreed, that the bonds of matrimony heretofore contracted and now existing between plaintiff and defendant be totally dissolved and the plaintiff is forever divorced from his said wife, Dora Daugherty, a vinculo Matrimonii, and this cause is stricken from the docket.

John M. Daugherty
vs. $\frac{1}{2}$ Decree
Dora Daugherty

John M. Daugherty
vs. $\frac{1}{2}$ Decree,
Dora Daugherty

Entered in C.O.B.
#8, page 156-

Enter this

Enter this

H. A. W. Sweeney

~~John M. Daugherty~~

May 21 - 1956

May 22, 1956

Notice to take Depositions.

ICode §§3359-68; 4 Min Inst. (2ed.), 745 & seq.; 2 Dart Chy. Prac. (2ed.), p 783 & seq.; Hurst's Guide & Manual, p. 16 & seq.

To Dora Daugherty

Take notice, that I shall, on the 12th day of May, 1906, at
J. W. Graham's residence
in Lee County Virginia, between the hours of 8, A. M., and
X, P. M., on that day, proceed to take the depositions of Agnes Ball
and others, to be read in the evidence in my behalf, in a certain suit in equity depending in
the Circuit court for the county of Lee wherein you are
Defendant and I am Plaintiff:

and, if, from any cause, the taking of the said depositions be not commenced on that day, or, if commenced, be not concluded on that day, the taken of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed.

Respectfully yours,

John M. Daugherty
9u counsel

april 30 1906

8 100 cost

J. M. Daugherty
U.S.

Dora Daugherty

Taking Depo-
sitions May 12,

1906
executed by
delivering

a true copy
of the within
to Dora Daugherty
this april 30 1906

J. L. Hughes D.L.
for Dan. Ball.
S.L.C.

The depositions of Emmett Price and others,
taken before ^{W. H. Hopkins, a Commissioner in a special case} me at J. H. Mahan's residence
on the 14th day of May, 1906 pursuant to
the notice hereto appended, to be read as evidence
on behalf of John M. Daugherty, upon the
trial of a certain cause now pending in the
Circuit Court of Lee County Virginia in
which John M. Ball is plaintiff and Dora
Daugherty is defendant.

Present ~~for the~~ ^{for} Plaintiff.
" & no one for Defendant.

The witness Emmett Price after first- being
duly sworn deposes and says;

Ques (1) What is your age residence & occupation
Ans I am 19 years old. I live in Va. am a farmer.

Ques (2) Are you acquainted with Dora Daugherty
the defendant and her husband, the plaintiff in
this case? if so, how long have you known them.

Ans Yes I know them, I have known them six
or seven years.

Ques (3) When were they married and where, if you know
and how long did they live together?

Ans They were married in this county. I think
it was a year ago last Sept. They
lived together two or three days, not over
one week.

Ques (4) Please state if you know, why the said
plaintiff and defendant are not living together
now, tell all you may know about it.

Ans. She took another man and went
to Ky.

Ques (5) Do you know whether or not, of your
own knowledge, this defendant has had

Ans. sexual intercourse with any other person than her said husband since her marriage. I do know of my own knowledge that she has had sexual intercourse with another man since her marriage to John M. Daugherty.

ques (6) Was this sexual intercourse you speak of brought about by the knowledge or consent of the plaintiff, John M. Daugherty?

Ans. It was not.

ques (7) Where is the defendant at now and state also, whether said plaintiff and defendant have cohabited as man and wife since ~~and if you say in this state, please state whether or not they~~ he heard of her adultery.

Ans. She came back to Va. They have not cohabited as man and wife since she returned. I do not know where said J. M. Daugherty is at this time, although he has lived in this state all his life. & further this deponent saith not.

Witness paid by
Pl. & Def.

Charles L. Collins, another witness of lawful age, after first being duly sworn, deposes and says:

ques (1) Please state where you live and your occupation.

Ans. I live in Lee Co. Va. I am a farmer.

ques (2) Are you acquainted with John M. Daugherty and Dora Daugherty, if so how long have you known them and where do they live.

Ans. I have known John M. Daugherty all

of his life, and I have known Dora Daugherty seven or eight years. They have both residence of Ky.

Ques (3)

Ans

Is the said Daugherty and wife living together now, and if not state why if you know? They are not. She left him. She came to Ky. soon after she was married. She came with another man to Ky. The man did not stay ~~not~~ very long in Ky. but she staid some longer than he did.

Ques (4) Do you know whether the defendant and this man you speak of had sexual intercourse while in Kentucky?

Ans.

I do not know except what the man told me. He told me that he had sexual intercourse with her on the way to Ky. and showed ^{me} where he lay out with her and had sexual intercourse with her. And further this deponent saith not.

Charles F. Collins

See page
by Plaintiff.

John R. Burton another witness of lawful age, after being duly sworn depose and say:

Ques (1) Where do you live and what is your occupation?

Ans I live at Sax, Lee county Va. and am a farmer.

Ques (2) Are you acquainted with the plaintiff and the defendant in this case, if so how long have you known them and where do they live.

Ans

I am acquainted with them. I have known the Plaintiff all my life and I have known

the Def. seven or eight years. They both are citizens of Va.

Ques (2) Do they live together now as man and wife, if not state why if you know?

Ans. Directly after they were married she took another man and went to Ky. They have not lived together since.

Ques (3) Please state if you know how the Def. has conducted herself since her return from Ky. that is whether or not she has acted like a married woman or single woman?

Ans. I have never seen her with her husband but I have ^{seen her} often with other young men at church and going to and from church as if she was a single woman.

Ques 4. Did you ever hear this Def. say why she left her husband?

Ans. She told me after she was married that she did not like her husband, and further this deponent saith not.

de pair
by Plaintiff.

John R. Burton

Wm H. Bad another witness deposes and says:

Ques (1) What is your age, residence and occupation?

Ans. I am 68 years old and live at Lion Mills, Lee county Va.

Ques (2) Are you acquainted with the Plaintiff and defendant in this case, if so how long?

Ans. I am acquainted with them both, have known them all their lives.

Ques (3) Does this Plaintiff and defendant live together now as husband and wife?

38
I not, please state why, if you know?

Ans. They don't live together now, I don't know why it is, she said to me that she didn't like her husband and would not live with him.

Ques (4) How has Gora been conducting herself since she left her husband, state any thing you may know regarding her conduct.

Ans. I saw her pass along the road by my house about 9 o'clock one night with a young man known as Ark Sage, they had their arms around each other, the best that I could see & later on in the night I heard them pass back by my house.

And further this Depoent can't say.

Wm N. Ball
mark

for paid
by plaintiff

I hereby certify that the foregoing depositions of Emmet Price, Chas. L. Collins, John R. Burton and Wm N. Ball, were taken, subscribed and sworn to before me at the time and at the place mentioned in the caption. Witness my hand this 14th day of May, 1906

W. B. Hopkins, Commissioner
In Chancery

John M. Daugherty -
vs. Depositions

Dora Daugherty -

Filed May 15th, 1906.

J. C. Ewing,
clerk.

Virginia:

Lee County to wit:

To H. V. Sage Const. ^{Lee Co. Va.} You are hereby commanded
to summon Emmett Price, John Burton and
Chas Collins to appear before me W. H. Hopkins,
a Commissioner in Chancery, at the res-
idence of J. Henderson Mahan on Monday,
May 14th, ^{at 8 o'clock A. M.} to give evidence ~~of~~ ^{on} behalf of John
M. Daugherty to be read as evidence in
a certain cause now pending in the
Chancery Court of Lee County Virginia,
in which John M. Daugherty is plaintiff
and Lora Daugherty is defendant.

Given under my hand on this 10th
day of May, 1906,

W. H. Hopkins

Com. In. Chancery.

To begin promptly at 8 o'clock -
Monday Morning

W. H. Hopkins

Com. in. Chan

Executed this May 11th
1906 John Burton &

Ernest Price demands
their Pay & say they
will not come
until they are Paid
G. V. Sage. C. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Dora Daugherty

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *May*, 190*6*, to answer a bill in chancery exhibited against *her*

by John M. Daugherty

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *25th* day of *April*, 190*6*, and *30th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

April 30 1906

John M. Daugherty

VS

}

SUBPOENA
IN
CHANCERY.

Dora Daugherty

M. G. Ely p. q

To

1st May

Rules.

Lee Circuit
1906,

Court.

resented by delivering a true
copy of the within to
Dora Daugherty this April 30 1906
J. J. Hughes & J. J. M. Ball
J. J. C